

EXHIBIT H

1 STATE OF ARIZONA

2 COUNTY OF MARICOPA

3 **Declaration of Shawn Driscoll**

4 I, Shawn Driscoll, being over the age of 18 years, of sound mind and fully
5 competent to make this Declaration, hereby declare the following as true and correct to
6 the best of my personal knowledge:

7 1. I am currently employed by Swift Transportation Co. of Arizona, LLC
8 ("Swift") as its Director of Security. I have held this position since 2008. In my position,
9 I oversee Swift's criminal background check program.

10 2. I come from a law enforcement background. Prior to my employment with
11 Swift, I was the Chief of the Highway Patrol in Montana.

12 3. Swift's background check program was implemented to address concerns
13 related to employee theft and other criminal conviction concerns. Since the program's
14 implementation, the amount of theft and other conduct issues related to criminal
15 convictions by Swift employees has declined. In 2012, there has not been a single fully
16 loaded trailer stolen. Prior to implementation of this program, there were years with more
17 than 30 fully loaded trailers stolen. The criminal background check program plays a
18 critical role in ensuring the security of Swift's cargo and the public, helping provide the
19 service that Swift's customers demand and helping to ensure that only DOT-qualified
20 drivers are hired by Swift.

21 4. My supervisor, Gary Fitzsimmons, also came from a law enforcement
22 background. We both understand that the information contained in criminal background
23 reports is not always accurate. This is the reason that, from the inception of this program,
24 it has always been important that Swift not base any hiring decision on the contents of a
25 report, but rather first-hand information provided by the applicant.

26 5. During my entire tenure with Swift, any individual, prior to being
27 disqualified from consideration for employment based on the contents of a criminal
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1 background report, has always been given the opportunity to dispute or explain the
2 information in his or her criminal background report prior to any decision being made.
3 This ensures that Swift does not base any decisions upon false or inaccurate information
4 contained in a criminal background report.

5 6. Once an applicant has met Swift's pre-qualification standards and has
6 provided written consent to Swift to order a background check, Swift orders a standard set
7 of consumer reports for each applicant.

8 7. The Investigations Department, which is part of Swift's Security
9 Department, is the primary Department that receives the criminal background check for
10 each applicant. Investigations reviews each applicant's criminal background check.

11 8. If the criminal background check reveals any criminal conviction
12 information, Investigations sends an e-mail notification to the recruiter assigned to the
13 applicant notifying the recruiter to have the applicant contact Investigations for an
14 interview.

15 9. In addition, any time an applicant voluntarily discloses criminal conviction
16 information on their application, and that information does not automatically disqualify
17 the applicant from employment with Swift under Swift's hiring criteria, the applicant is
18 notified by their recruiter to contact Investigations for an interview.

19 10. Once a recruiter has been notified to have an applicant contact
20 Investigations for an interview, the applicant may not proceed further through the
21 application process unless and until the applicant has been reviewed by Investigations.

22 11. When an individual contacts Investigations, an Investigations employee will
23 ask the individual a series of open-ended questions designed to elicit their criminal
24 history. Typically, individuals will disclose the criminal conviction information contained
25 in their criminal background report in response to open-ended questions without being
26 asked specific questions about the contents of the report.

27 12. A number of applicants will disclose during their Investigations interview
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1 that they have in fact been convicted of a crime that disqualifies them from employment
2 with Swift as a truck driver.

3 13. When disqualifying criminal conviction information is confirmed during the
4 interview, an e-mail is sent to the recruiter informing the recruiter that the applicant is not
5 approved for hire by Investigations.

6 14. I do not review every decision by Investigations not to approve an
7 individual for hire. Those decisions are made by individuals who report to me. These are
8 called Level 1 Reviews. When Investigations is unsure whether an applicant should be
9 approved for hire, I will review the decision. This is called a Level 2 Review.

10 15. I do not believe that Swift bases a decision not to approve an individual for
11 hire on a criminal background report. Swift does not base its decision on the third-party
12 information contained in a criminal background report. It bases its decision on first-hand
13 information obtained directly from the applicant in the Investigations interview or
14 subsequently provided to Swift after the interview.

15 16. Often, the criminal conviction information disclosed by the applicant in the
16 Investigations interview is different than or independent of the information contained in
17 the consumer report. As one example, applicants often divulge conviction information
18 that is not contained anywhere on their criminal background report. Criminal background
19 reports are generally limited to counties that an individual has lived in. If an applicant
20 was convicted of a crime in another county, it may not show up on their criminal
21 background report. That conviction might not be on the criminal background report
22 ordered by Swift. That information would disqualify the applicant from employment with
23 Swift, and the disqualification would have nothing to do with any information contained
24 on the applicant's criminal report. This happens frequently.

25 17. Every single applicant is given the opportunity to dispute the information
26 contained in their criminal background report. It is not unusual for an applicant to
27 successfully contest the accuracy of criminal conviction information in their criminal
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1 background report. I would estimate that it happens more than once a week.

2 18. Some examples of individuals who have successfully disputed criminal
3 conviction information contained in their criminal report are attached hereto as Exhibits 1
4 and 2 (sensitive information redacted). Each of these records came directly from Swift's
5 Security database. Each is a true and accurate copy of the record in Swift's Security
6 database, which has previously been provided to Plaintiffs in its entirety. The Security
7 database's contents are received at or near the time that the information was transmitted to
8 Swift, are kept in the course of a regularly conducted business activity and it is the regular
9 practice of that business activity to make and accurately store that record.

10 19. Exhibit 1 contains the Investigations records for an individual that applied
11 for employment with Swift in or around March 2009. The applicant responded, "No," to
12 the question of whether he had ever been convicted of a criminal offense. STC644054.
13 Swift ordered a criminal background check on March 16, 2009. STC 644050. That
14 criminal background check showed a criminal charge for uttering forgery that resulted in
15 probation, which typically only results from a guilty plea or conviction. STC644052. The
16 applicant was interviewed by Patricia Ramos on March 16, 2009. STC644072. In that
17 interview, the applicant stated that the uttering forgery charge was non-adjudicated and
18 sealed and that he would "provide info." *Id.* On or about March 27, 2009, the applicant
19 provided court documentation and an explanation from his attorney that, given his
20 successful completion of probation, under state law there was no formal adjudication of
21 guilty. STC644058-71. On March 27, 2009 at 9:01 a.m., Angelica Flores performed a
22 Level 1 Review and recommended that the applicant be approved for further
23 consideration. Because of the unusual nature of this Investigation dispute and the
24 applicant's explanation, Ms. Flores had me review the paperwork and her
25 recommendation. I performed a Level 2 Review approximately 45 minutes later and
26 approved the applicant for further processing for employment with Swift.

27 20. Exhibit 2 consists of the Investigations records for an applicant who applied
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1 for employment with Swift on or about January 13, 2010. STC644114. The applicant
2 stated on his application that he had never been convicted of a criminal offense. *Id.* The
3 applicant's criminal background report, however, showed two criminal convictions, a
4 second-degree assault in 2007 and a third-degree assault in 1998. STC644109-13. The
5 individual contacted Investigations and was interviewed at 1:27 p.m. on January 14, 2010.
6 STC644125. In his interview, the applicant indicated that he had no convictions on his
7 adult record and that both the 2007 and the 1998 charges were dismissed. *Id.* The
8 applicant was asked to provide paperwork to Investigations confirming the dismissal of
9 the 1998 charge (the criminal background report already showed that the 2007 charge
10 resulted from "probation *before* judgment," so Swift did not require further paperwork on
11 that charge). In response, the applicant not only provided paperwork showing the
12 dismissal and sealing of the assault charge in 1998 (STC644122), but also chose to
13 provide documentation regarding *four other criminal convictions from 1995 to 2000* that
14 had also been dismissed and sealed. STC644120-24. These four convictions did not
15 appear on the applicant's criminal background report. *See* STC644109-13. It is not
16 unusual for an applicant to reveal, during the Investigation process, additional criminal
17 conviction information that is not contained on their criminal background report. In fact,
18 applicants often reveal such information during the open-ended questioning portion of the
19 Investigations interview. This is just one example. On January 28, 2010, Angelica Flores
20 performed a Level 1 Review and recommended that the applicant be approved. I
21 performed a Level 2 Review and reviewed the paperwork the applicant had provided.
22 Ultimately, because the convictions were more than ten years old and had been dismissed
23 and sealed, I approved the applicant for further processing for employment with Swift.

24 21. Swift has an electronic Security database that was implemented in or about
25 February 2009 that contains the Investigations documentation for each applicant
26 interviewed after that date. Prior to that date, all Investigations files are paper files and
27 cannot be accessed electronically. These files are not stored in the Security department.

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1 22. I was scheduled to have my deposition taken by counsel for the Plaintiffs at
2 1:30 p.m. on Thursday, August 2, 2012. I was notified the morning of my deposition that
3 my deposition had been cancelled by Plaintiffs.

4 I declare, under penalty of perjury, that the foregoing is true and correct.

5 Executed on: October 30, 2012

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7 Shawn Driscoll
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EXHIBIT 1



Conviction Form

Please Print Information

Applicant's Name: **Kwenda L H** Social Security Number: **[REDACTED]**
Daytime Phone #: **[REDACTED]** After Hours Phone #: **[REDACTED]**
Date of Birth: **[REDACTED]**
Date of Arrest: _____ Date of Arrest: _____
Charge 1: _____ Charge 2: _____
Location: _____ Location: _____
County State County State
Date of Conviction: _____ Date of Conviction: _____
Charge: _____ Charge: _____
Sentence: _____ Sentence: _____
Time Served: _____ Time Served: _____
Dates on Probation or Parole: _____ Dates on Probation or Parole: _____

* Any other arrests or convictions?: ☐ Yes ☐ No

Any charges pending now? ☐ Yes ☐ No

List full name (First/Middle/Last):

Any other names used maiden, married, etc.

Please describe what happened:

Comments on Charge 1:

Comments on Charge 2:

Signature of Applicant: _____ Date: ____/____/____

Recruiter Name: _____ Terminal: _____

STC644049

REDACTED

View Reports - Subject List

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Customer: Swift Transportation Web
User: Patricia Ramos

VIEW REPORTS - SUBJECT LIST

We are pleased to announce that USIS Commercial Services, Inc. has changed its name to HireRight Solutions, Inc. While for a period of time you may find reference made in our materials to USIS Commercial Services, we are in the process of updating our web sites, software applications and documents to reflect this name change and expect to complete all updates in the near future. In the meantime, should you have any questions please contact us at: 800-322-9651 and select Option 3 for Customer Service.

Please note - The information contained in this report is based on search criteria matching personal identifiers that indicate that this record matched the consumer who is the subject of the report. This information is not guaranteed for accuracy or truthfulness as it relates to the subject of this report. The information used in this report was accurately copied from USIS's supplier of such information, including the public records of various courts and law enforcement agencies, credit bureaus, etc., as applicable. Information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of this report. Employment decisions should not be based solely upon information contained in this report. Positive ID requires a fingerprint search. The user of this report is responsible for following applicable local, state and federal laws with respect to the use and dissemination of this information.

20/20 Insight Bundled

Customer: Swift Transportation Web (104508)
Actor: Mary Johnson (5365Mary)
Customer Reference: MICHAEL PERSON
Customer Sub: 341

USIS COMMERCIAL SERVICES, INC.
20/20 INSIGHT BUNDLED HISTORY RECORD

20/20 INSIGHT BUNDLED REQUEST INFORMATION

NAME: H [REDACTED] KWENDA L
DOB: [REDACTED] SSN: [REDACTED]
TYPE OF SEARCH: CRIMINAL SEARCH / SEX OFFENDER SEARCH
SEARCH AREA: NATIONWIDE

REQUEST DATE: 3/16/2009

20/20 INSIGHT BUNDLED FILE INFORMATION

MATCH WAS MADE USING: SSN LASTNAME FIRSTNAME(KWE) BIRTHDATE
NAME: H [REDACTED], KWENDA LAVELL
DOB: [REDACTED] SSN: [REDACTED]

CRIMINAL RECORD INFORMATION

REPORT TYPE: B FELONY/MISDEMEANOR
SEARCH DATE: 11/16/2001
STATE/COUNTY: LA EAST BATON ROUGE

NO RECORD FOUND IN JURISDICTION SEARCHED.

ORDER #: 62139995 REQUEST #: 108292126 DATA FILE DATE: 12/2/2001

<https://members.dacservices.com/com-asp/ViewReports/SubjectList.aspx?request=10829...> 3/16/2009

STC644050

REDACTED

View Reports - Subject List

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USIS COMMERCIAL SERVICES, INC.
20/20 INSIGHT BUNDLED HISTORY RECORD

20/20 INSIGHT BUNDLED REQUEST INFORMATION

NAME: H [REDACTED], KWENDA L
DOB: [REDACTED] SSN: [REDACTED]
TYPE OF SEARCH: CRIMINAL SEARCH / SEX OFFENDER SEARCH
SEARCH AREA: NATIONWIDE
REQUEST DATE: 3/16/2009

20/20 INSIGHT BUNDLED FILE INFORMATION

MATCH WAS MADE USING: SSN LASTNAME FIRSTNAME(KWE) BIRTHDATE
NAME: H [REDACTED] KWENDA L
DOB: [REDACTED] SSN: [REDACTED]

CRIMINAL RECORD INFORMATION

REPORT TYPE: B FELONY/MISDEMEANOR
SEARCH DATE: 09/13/2000
STATE/COUNTY: MS HARRISON

NO RECORD FOUND IN JURISDICTION SEARCHED.

ORDER #: 62139995 REQUEST #: 108292126 DATA FILE DATE: 3/1/2003 7:13:35 AM

USIS COMMERCIAL SERVICES, INC.
20/20 INSIGHT BUNDLED HISTORY RECORD

20/20 INSIGHT BUNDLED REQUEST INFORMATION

NAME: H [REDACTED] KWENDA L
DOB: [REDACTED] SSN: [REDACTED]
TYPE OF SEARCH: CRIMINAL SEARCH / SEX OFFENDER SEARCH
SEARCH AREA: NATIONWIDE
REQUEST DATE: 3/16/2009

20/20 INSIGHT BUNDLED FILE INFORMATION

MATCH WAS MADE USING: SSN LASTNAME FIRSTNAME(KWE) BIRTHDATE
NAME: H [REDACTED], KWENDA LAVELL
DOB: [REDACTED] SSN: [REDACTED]

CRIMINAL RECORD INFORMATION

REPORT TYPE: B FELONY/MISDEMEANOR
SEARCH DATE: 11/15/2001
STATE/COUNTY: LA EAST BATON ROUGE

NO RECORD FOUND IN JURISDICTION SEARCHED.

ORDER #: 62139995 REQUEST #: 108292126 DATA FILE DATE: 3/1/2003 4:42:48 PM

USIS COMMERCIAL SERVICES, INC.
20/20 INSIGHT BUNDLED HISTORY RECORD

20/20 INSIGHT BUNDLED REQUEST INFORMATION

<https://members.dacservices.com/com-aspx/ViewReports/SubjectList.aspx?request=10829...> 3/16/2009

STC644051

REDACTED

View Reports - Subject List

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NAME: H [REDACTED] KWENDA L
DOB: [REDACTED] SSN: [REDACTED]
TYPE OF SEARCH: CRIMINAL SEARCH / SEX OFFENDER SEARCH
SEARCH AREA: NATIONWIDE

REQUEST DATE: 3/16/2009

20/20 INSIGHT BUNDLED FILE INFORMATION

MATCH WAS MADE USING: SSN LASTNAME FIRSTNAME(KWE) BIRTHDATE
NAME: H [REDACTED] KWENDA L
DOB: [REDACTED] SSN: [REDACTED]

CRIMINAL RECORD INFORMATION

REPORT TYPE: B FELONY/MISDEMEANOR
SEARCH DATE: 09/13/2000
STATE/COUNTY: MS HINDS

NO RECORD FOUND IN JURISDICTION SEARCHED.

ORDER #: 62139995 REQUEST #: 108292126 DATA FILE DATE: 3/3/2003 5:25:10 AM

USIS COMMERCIAL SERVICES, INC.
20/20 INSIGHT BUNDLED HISTORY RECORD

20/20 INSIGHT BUNDLED REQUEST INFORMATION

NAME: H [REDACTED] KWENDA L
DOB: [REDACTED] SSN: [REDACTED]
REQUEST DATE: 3/16/2009
TYPE OF SEARCH: CRIMINAL SEARCH / SEX OFFENDER SEARCH
SEARCH AREA: NATIONWIDE

20/20 INSIGHT BUNDLED FILE INFORMATION

MATCH WAS MADE USING: LASTNAME FIRSTNAME(KWE) BIRTHDATE
NAME: H [REDACTED], KWENDA
DOB: [REDACTED]
GENDER: MALE RACE: BLACK

CRIMINAL RECORD INFORMATION

ALIAS NAME FOUND: H [REDACTED], KWENDA

SOURCE: MISSISSIPPI DEPARTMENT OF CORRECTIONS
OFFENDER STATUS: DISCHARGE FROM PROBATION

OFFENSE: UTTERING FORGERY

SENTENCE BEGIN DATE: 02/02/2004

OFFENSE: UTTERING FORGERY

SENTENCE BEGIN DATE: 02/02/2004
RELEASE TYPE: PROBATION

OFFENSE: NOT SPECIFIED BY STATE

OFFENSE: NOT SPECIFIED BY STATE

<https://members.dacservices.com/com-asp/ViewReports/SubjectList.aspx?request=10829...> 3/16/2009

STC644052

REDACTED

View Reports - Subject List

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ORDER #: 62139995 REQUEST #: 108292126 DATA FILE DATE: 10/20/2008

This inquiry will also be searched against the Dept of the Treasury, Office of Foreign Assets Control SDN and blocked persons list. You will be notified in the event of a possible match.

The following report is obtained from a commercial database that contains information from public records of various courts and law enforcement agencies across the United States. These records are included in the report because the search criteria for matching personal identifiers such as name, date of birth, Social Security Number, etc., suggested that this record(s) matched the information you provided for the subject of the report. As such, these records might relate to the subject you inquired about, but not necessarily. You should use this report to broaden the scope of the background search of the subject to include the jurisdictions and/or the names contained in this report. Employment decisions should not be based solely upon information contained in this report. Positive ID requires fingerprint search.

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<https://members.dacservices.com/com-asp/ViewReports/SubjectList.aspx?request=10829...> 3/16/2009

STC644053

REDACTED

SWIFT TRANSPORTATION CO., INC.

2200 S. 75th AVE. PHOENIX, AZ, 85043

EMPLOYMENT APPLICATION

QUALIFIED APPLICANTS ARE CONSIDERED WITHOUT REGARD TO RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, MARITAL STATUS, VETERAN STATUS OR DISABILITY.
EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

Date of Application: 08/08/2012

Name H [REDACTED] Kwenda L

Social Security No. [REDACTED]

Present Address [REDACTED]

Phone [REDACTED]

Previous Address(es) during last 3 years (FMCSR 391.21 (3))

Date of Birth (required by FMCSR 391.21 (2) to verify motor vehicle report) [REDACTED]

In case of emergency notify

Alternate Emergency Phone #

Name

Have you applied for work and/or worked for this company before?

☐ Yes☒ No

When?

If hired, can you present evidence of your U.S. Citizenship or proof of your legal right to live and work in this country? ☐ Yes ☐ No

Position which applying for:

Are you able to perform the essential functions and duties of the job as contained in the job description with reasonable accommodation? ☐ Yes ☐ No

How did you find out about Swift? Internet

PLEASE READ CAREFULLY

- A. Have you ever been denied a license, permit or privilege to operate a motor vehicle? ☐ Yes ☒ No
- B. Has any license, permit or privilege been suspended or revoked? ☐ Yes ☒ No
- C. Have you ever been stopped while intoxicated? ☐ Yes ☒ No
- D. Have you ever used any illegal drugs (including marijuana)? ☐ Yes ☒ No If yes, when was the last time?
- E. Have you ever been convicted for possession of, sale, or use of a narcotic drug, amphetamine, or a derivative thereof? ☐ Yes ☒ No
- F. Have you ever been convicted of a criminal offense? In California, 'crime' shall exclude convictions for marijuana-related offenses that are more than two years old, as defined in California Health and Safety Code sections 11367 (b) and (c) and 11360 (c), or in California Health and Safety Code sections 11364, 11365, or 11550 of the Health and Safety Code as they related to marijuana prior to January 1, 1976, or their statutory predecessors. ☐ Yes ☒ No
- G. Do you currently have any criminal actions pending in which you are a defendant? (A "yes" answer will not necessarily disqualify you from employment.) ☐ Yes ☒ No
- H. Are you currently on probation or parole status? (A "yes" answer will not necessarily disqualify you from employment.) ☐ Yes ☒ No
- I. 40.25j) have you tested positive, or refused a test, on any pre-employment drug or alcohol test administered by an employer by to which you applied for, but did not obtain, safety, sensitive transportation work covered by DOT agency drug and alcohol testing rules in the last three years? ☐ Yes ☐ No

If yes to any of the above questions, state circumstances and dates:

Which trucking school did you graduate from?

Truck driving school graduation date?

MILITARY STATUSHave you served in the U.S. Armed Forces? ☐ Yes ☒ No Branch

Dates: From

To

Duties

R-101

Form 1

Revised 8/01/01

STC644054

REDACTED

EMPLOYMENT RECORD FOR PAST 10 YEARS

All applicants must list all full and part-time employment including military service, self employment, and periods of unemployment during preceding 10 years.
NOTE: List employers in reverse order starting with the most recent. Use an additional sheet if necessary.

From Mo Day Yr 01/01/2004 To Mo Day Yr 3/2009
Phone # 773-387-1691
Supervisor _____
Type of Equip. Driven _____

From Mo Day Yr 10/09 To Mo Day Yr 2/2010
Phone # 8004219081
Supervisor _____
Type of Equip. Driven _____

From Mo Day Yr 4/09 To Mo Day Yr 9/09
Phone # _____
Supervisor _____
Type of Equip. Driven _____

From Mo Day Yr _____ To Mo Day Yr _____
Phone # _____
Supervisor _____
Type of Equip. Driven _____

From Mo Day Yr _____ To Mo Day Yr _____
Phone # _____
Supervisor _____

CURRENT OR MOST RECENT EMPLOYER

May We Call? Yes _____ No _____

Name Downtime Outreach Services
Address 6540 S. Rockwell Chicago, IL 35040
street city state zip code
Position Held Youth Counselor

Reason For Leaving Resigned

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No

B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

SECOND PRIOR EMPLOYER

May We Call? Yes _____ No _____

Name or england
Address 4701 2100 south salt lake city, UT 84120
street city state zip code
Position Held driver

Reason For Leaving personal

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No

B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

THIRD PRIOR EMPLOYER

May We Call? Yes _____ No _____

Name unemployed
Address _____ AL _____
street city state zip code
Position Held _____

Reason For Leaving

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No

B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

FOURTH PRIOR EMPLOYER

May We Call? Yes _____ No _____

Name _____
Address _____
street city state zip code
Position Held _____

Reason For Leaving

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No

B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

FIFTH PRIOR EMPLOYER

May We Call? Yes _____ No _____

Name _____
Address _____
street city state zip code

DRIVING EXPERIENCE				
CLASS OF EQUIPMENT	TYPE OF EQUIPMENT VAN-TANK-FLAT-ETC.	DATES FROM TO		APPROX. NO. OF MILES TOTAL
STRAIGHT TRUCK				0
TRACTOR AND SEMI-TRAILER				0
TRACTOR AND TWO TRAILERS				0
OTHER				0

LICENSE LIST ALL DRIVERS LICENSES HELD IN PAST FIVE YEARS (NOTE: A COPY of your valid drivers license or CDL must be attached for your application to be considered.)

STATE	LICENSE NUMBER	TYPE	ENDORSEMENTS	EXPIRATION DATE
AL				03/28/2009
IL		D		
MS		D		

MOVING TRAFFIC CONVICTIONS LIST FOR PAST FIVE (5) YEARS. IF NONE WRITE NONE.

DATE	LOCATION (STATE)	CHARGE	PENALTY
08/11/2009 12:00:00 AM	AL	08/11/09 SPEEDING 84/70 MPH ZONE	fine

ACCIDENT RECORD IF NONE WRITE NONE.
LIST ALL INVOLVEMENT WITH TRUCK AND CAR INCLUDING PROPERTY DAMAGE FOR PAST FIVE YEARS, INCLUDING PREVENTABLE AND NON-PREVENTABLE

DATE	TYPE VEHICLE	NATURE OF ACCIDENT (HEAD ON, REAR END, UPSET, ETC.)	INDICATE PREVENTABLE OR NON-PREVENTABLE	FATALITIES	INJURIES	AMOUNT OF PROPERTY DAMAGE

STATES IN WHICH YOU HAVE OPERATED A CLASS-A MOTOR VEHICLE IN THE PAST FIVE YEARS

LIST ALL STATES:

REFERENCES (Please list 2 people able to verify your employment and personal history. Such as co-worker, neighbor, customer or an upstanding citizen of your community.)

1. Name	venus l	Relationship	friend	Phone #	
2. Name	tonya h	Relationship	friend	Phone #	

ACKNOWLEDGEMENT

I give Swift Transportation, Inc. (the Company) the right to investigate all references and to secure additional information about me, if job-related. I release from liability the Company and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. A copy of this page serves as my authorization to seek/provide this information. I agree to sign all documents and consent forms which the Company deems necessary to verify the facts provided in this application. I give my consent and release from liability the Company and its representatives, to respond to any inquiries made about me as part of a reference check by any subsequent or potential employer.

From time to time the company may find it necessary to conduct investigations. If it does, employees are expected to truthfully participate and cooperate in such investigations, including submission to searches of property. Failure to do so may subject employees to disciplinary action, which may include termination of employment.

I realize as a condition of employment I will be required to undergo a post offer/pre-employment medical examination and substance abuse screening test at the expense of and as prescribed by the Company, and that any offer of employment is conditioned upon the successful completion of these tests. I agree to furnish such additional information and undergo any other examinations or tests to complete the employment file, or to continue my employment with the Company, if employed. These tests may include, but are not necessarily limited to random, for cause, reasonable suspicion or post accident alcohol and substance abuse screening tests. Further, I release the Company, its agents or employees from any and all claims or actions arising out of such alcohol and substance abuse tests including, but not limited to, the testing procedures, the analysis or the disclosure of test results.

I understand that any offer of employment is contingent upon my ability to produce documentation verifying my identity and legal authorization to be employed, as required by the Immigration Reform & Control Act of 1986 (IRCA).

This application is active for sixty (60) days from the date it is completed, or until the specific position opening for which it was submitted is closed, whichever is earlier. Subsequent to the preceding consideration period, I must submit a new application to be considered for this, or any other position.

I understand and agree that any misrepresented, inaccurate, misleading, incomplete or omitted information provided by me in this application will be sufficient cause for cancellation of this application and/or separation from the Company's service if employed. Further, I understand that just as I am free to resign at any time, for any reason, with or without prior notice, the Company reserves the right to terminate my employment at any time, for any reason, with or without prior notice. I understand that no representative of the Company has the authority to make any verbal or written assurances to the contrary. I recognize the employment relationship to be an at-will relationship and not for a specific period of time. This application represents the complete and final expression of the intent of the parties and may not be modified except by a writing duly executed by the undersigned and the President of the Company.

I hereby agree to submit to binding arbitration all disputes and claims arising out of the submission of this or formal application. I further agree, in the event that I am offered employment by the company, as a condition to that employment, all disputes that cannot be resolved by informal internal resolution which might arise out of my employment with the company, whether during or after that employment, will be

submitted to binding arbitration in lieu of any Federal or State investigative, administrative or legal proceeding. I agree that such arbitration shall be conducted under the rules of the American Arbitration Association. This application contains the entire agreement between the parties with regard to dispute resolution, and there are no other agreements as to dispute resolution, either oral or written.

I have read carefully the above information, understand and accept the contents thereof. This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

Signature _____

Date _____

R-101

Form 1

Revised 8/01/01

STC644057

REDACTED



06-07 00:02

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P 1/14

FAX

Fax #

ATTN: Swift Main Terminal - Investigation Department
CC: Mr. Riley Branch (Recruiter)

FROM: Kwenda Lavell H
RE: Criminal Discharge Information for pending employment with Swift & the Swift Truck Driving Academy in Memphis, TN.

NOTES

Enclosed is the background information that you requested for making your decision towards my employment. For any additional information and/or updates regarding your decision for my entrance into the Swift Driving Academy in Memphis, TN. - I can be reached at or at the telephone numbers listed below. Thank you for your time and assistance in resolving this matter and I look forward to hearing from you soon.

Sincerely,

Kwenda Lavell H

Primary #

Secondary #

STC644058

REDACTED

2000-08-07 00:02

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P 2/14

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST AND SECOND JUDICIAL DISTRICTS

STATE OF MISSISSIPPI

Versus

KWENDA LAVELL H

SSN:

DOB: B/M



NON-ADJUDICATION ORDER

This day into open Court came the Assistant District Attorney, Herman C. [REDACTED], who prosecutes for the State of Mississippi, and the defendant, in his own proper person and represented by counsel, Joseph H. [REDACTED]. The defendant was arraigned upon the charge of Offense brought by indictment returned by the Grand Jury of Harrison County, Mississippi. The defendant entered his plea of guilty to said charge after having been fully advised of his legal rights and questioned under oath by the Court concerning his understanding of the proceedings including his rights under the Constitution of the United States and the State of Mississippi. The Court being satisfied by the proof and the defendant's answer, found that the defendant entered his/her plea of Guilty, freely, voluntarily, knowingly and understandingly. The Court specifically withholds acceptance of defendant's plea and adjudication of guilt and imposition of sentence in accordance with Mississippi Code 1972, Annotated, Section 99-15-26 pending successful completion of the conditions imposed in this order.

* Note: The court order is Filed as a Non-Adjudicated Two(2)-Year Probation, which was terminated One(1) year early based upon successfully satisfying the Court's order, in an expedited manner, of paying restitution in full.

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2000-08-07 00:02

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P 3/14

CHAMPAIGN COUNTY PROBATION AND COURT SERVICES

Joseph J. G. [REDACTED]
Director

Probation Services
Courthouse

Phone: [REDACTED]

Fax: [REDACTED]

Detention Services

Phone: [REDACTED]

Fax: [REDACTED]

January 14, 2005

To: Mississippi Interstate Compact
Harrison County

Re: Kwenda H. [REDACTED]

Case # [REDACTED]

REQUEST FOR EARLY TERMINATION FROM PROBATION

To Whom It May Concern:

The defendant's Probation was transferred and accepted in Champaign County, Illinois on December 13, 2004. Since Mr. H. [REDACTED] began reporting to this office, he has been actively pursuing employment, he has maintained contact with this officer, and has not had any new arrests. Mr. H. [REDACTED] has indicated that his restitution balance will be paid off within a few days.

Once Mr. H. [REDACTED] is paid in full, this officer would request an early termination from Probation. Mr. H. [REDACTED] will have served half of his Probation sentence as of February 2, 2005. It would appear that his only condition left to fulfill is the balance of his restitution. Would your county consider Mr. H. [REDACTED] for early termination once he is paid in full?

Please feel free to contact me at [REDACTED]. Thank you for your consideration.

Sincerely,

Nicki W. [REDACTED]

Nicki W. [REDACTED]
Probation Officer

CC: Joe H. [REDACTED] Attorney
[REDACTED]

STC644060

REDACTED

2000-08-07 00:02

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P 4/14

H [REDACTED] & S [REDACTED]
Attorneys & Counselors At Law

JOSEPH P. H [REDACTED]
WILLIE S [REDACTED]

TELECOPIER [REDACTED]

February 18, 2005

MR. KWENDA H [REDACTED]
[REDACTED]

RE: DISCHARGE FROM PROBATION

Dear Mr. H [REDACTED]

Enclosed please find a copy of a fax note I sent by fax on February 17, 2005 to Ms. Nikki W [REDACTED], your probation officer there in Illinois. I had worked through Annette A [REDACTED] in the Gulfport Office of the Mississippi Department of Corrections to get this Discharge from Probation for you. I trust all is now in order on this score.

Also enclosed please find a copy of the NON-ADJUDICATION ORDER. This court has not adjudicated you guilty of any criminal offense and you have now completed the conditions of your probation.

* We are proceeding in your case under Section 99-15-26 of our law. A copy of this statute is enclosed. I shall be pursuing on your behalf the highlighted section of the statute to obtain this benefit for you. Expect to hear from me. Thank you.

Very truly yours,

Joseph P. H [REDACTED]

JPH/j

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REDACTED

2000-06-07 00:02

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P 5/14

H [REDACTED] & S [REDACTED]
Attorneys & Counselors At Law

JOSEPH P. H [REDACTED]
WILLIE S [REDACTED]

TELECOM [REDACTED]

FACSIMILE COVER SHEET

DATE: February 17, 2005

TO: MS. NIKKI H [REDACTED] **FAX NO.:** [REDACTED]
CHAMPAIGN COUNTY PROBATION AND COURT SERVICES

FROM: JOSEPH P. H [REDACTED] ATTORNEY **FAX NO.:** [REDACTED]

IF THERE ARE ANY PROBLEMS RECEIVING THIS FAX, PLEASE CONTACT THE SENDER AT [REDACTED]

NO. OF PAGES: 2. (including cover page)

COMMENTS: RE: KWENDA H [REDACTED] SSN# [REDACTED]

ENCLOSED PLEASE FIND DOCUMENTATION THAT OUR LOCAL COURT HAS TERMINATED
THE PROBATION OF KWENDA H [REDACTED] AND ENTERED THIS DISCHARGE ORDER. PLEASE

LET ME KNOW IF YOU NEED ANYTHING ADDITIONAL FOR YOUR RECORDS. THANK YOU.

ORIGINAL(S) WILL:

☐ FOLLOW BY REGULAR MAIL ☐ FOLLOW BY CERTIFIED MAIL
☐ FOLLOW BY FEDERAL EXPRESS ☒ NOT FOLLOW
☐ FOLLOW BY HAND DELIVERY ☐ OTHER

FAX SENT BY: JOSEPH P. H [REDACTED]

STOP:

The information contained in this facsimile is legally privileged and confidential information which is intended only for the use of the individual or entity named above. If the reader of this facsimile message is not the intended recipient, you are hereby notified that any use, transfer, dissemination, distribution or reproduction of this message is strictly prohibited. If you have received this telecopy in error, the material and data therein should be destroyed immediately and the sender notified as requested above.

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MDOC

P 6/14

PAGE 82

State of Mississippi

MDOC

HARRISON COUNTY, Mississippi

DISCHARGE ORDER

Cause No. _____

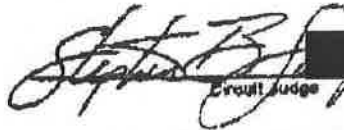
State of Mississippi

Vs.

KWENDA LAVELL _____

As requested by the Mississippi Department of Corrections in the form of a written petition
on FEBRUARY 5, 2005 the probation of the aforesaid defendant is hereby
(Date)
terminated.

So ordered and adjudged this 9 day of FEBRUARY, 2005


Circuit Judge

cc: Circuit Clerk (Original)
Field Officer
Deputy Commissioner of Community Services
Offender

FILED
2017/312
FEB 10 2005
GAYLE P. [REDACTED]
By C. [REDACTED]

RECEIVED
FEB 10 2005
GAYLE P. [REDACTED]
CIRCUIT CLERK
BY _____ D.C.

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2000-09-07 00:03

Note 14

impeach the statements of witnesses prior to the trial, and defendant stated during the plea hearing that he was satisfied with his counsel's representation. *Newman v. State*, 2002, 820 So.2d 768. Criminal Law ¶ 641.13(5)

15. Eligibility for parole or probation

Before accepting a plea of guilty to an offense with respect to which parole is a possibility, the judge must determine whether the defendant understands the nature of parole, his eligibility therefor, and the circumstances in which it may thereafter be granted. *Stewart v. State*, 2003, 845 So.2d 744. Criminal Law ¶ 273.1(4)

Defendant's claim that she was unaware of her ineligibility for parole, earned time, or meritorious

time prior to pleading guilty to capital rape and child pornography was insufficient to demonstrate that her guilty plea was involuntary or unintelligently made and constituted reversible error; defendant failed to assert that knowledge of her ineligibility regarding parole, earned time, or meritorious time would have caused her not to plead guilty. *Stewart v. State*, 2003, 845 So.2d 744. Criminal Law ¶ 273.1(4)

A defendant does not possess a constitutional right to full parole information at or before his guilty plea, and trial judge is not required to inform a defendant of the defendant's ineligibility for parole. *Stewart v. State*, 2003, 845 So.2d 744. Criminal Law ¶ 273.1(4)

P 7/14

(6) This is
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Gavin, April 9, 199

§ 99-15-26. Release after successful completion of conditions

(1) In all criminal cases, felony and misdemeanor, other than crimes against the person, the circuit or county court shall be empowered, upon the entry of a plea of guilty by a criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section. In all misdemeanor criminal cases, other than crimes against the person, the justice or municipal court shall be empowered, upon the entry of a plea of guilty by a criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section. No person having previously qualified under the provisions of this section or having ever been convicted of a felony shall be eligible to qualify for release in accordance with this section. A person shall not be eligible to qualify for release in accordance with this section if such person has been charged (a) with an offense pertaining to the sale, barter, transfer, manufacture, distribution or dispensing of a controlled substance, or the possession with intent to sell, barter, transfer, manufacture, distribute or dispense a controlled substance, as provided in Section 41-29-139(a)(1), Mississippi Code of 1972, except for a charge under said provision when the controlled substance involved is one (1) ounce or less of marihuana; (b) with an offense pertaining to the possession of one (1) kilogram or more of marihuana as provided in Section 41-29-139(c)(2)(D), Mississippi Code of 1972; or (c) with an offense under the Mississippi Implied Consent Law.

(2) Conditions which the circuit, county, justice or municipal court may impose under subsection (1) of this section shall consist of:

- (a) Reasonable restitution to the victim of the crime.
 - (b) Performance of not more than nine hundred sixty (960) hours of public service work approved by the court.
 - (c) Payment of a fine not to exceed the statutory limit.
 - (d) Successful completion of drug, alcohol, psychological or psychiatric treatment or any combination thereof if the court deems such treatment necessary.
 - (e) The circuit or county court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed five (5) years. The justice or municipal court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed two (2) years.
- (3) When the court has imposed upon the defendant the conditions set out in this section the court shall release the bail bond, if any.

(4) Upon successful completion of the court-imposed conditions permitted by subsection (2) of this section, the court shall direct that the cause be dismissed and the case be closed.

(5) Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charge were dropped or there was no disposition of such case.

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CRIMINAL PROCEDURE

§ 99-15-26
Note 3

(6) This section shall take effect and be in force from and after March 31, 1983. Laws 1983, Ch. 446, §§ 1 to 4; Laws 1987, Ch. 364, § 1; Laws 1989, Ch. 565, § 2; Laws 1996, Ch. 291, § 1; Laws 1996, Ch. 454, § 8, eff. July 2, 1996. Amended by Laws 2003, Ch. 557, § 2, eff. from and after passage (approved April 24, 2008).

Historical and Statutory Notes

The 2003 amendment, in subsec. (1), added the second sentence relating to conditional sentencing, in subsec. (2), in the introductory sentence, added "justice or municipal" and substituted "subsection (1)" for "subdivision (1)", added par. (d) and redesignated par. (d) as par. (e) and in the first sentence added "circuit or county" and deleted "may, in its

discretion" and added the second sentence, added subsec. (3) relating to release on bail, redesignated subsecs. (3) to (5) as (4) to (6), in new subsec. (4), substituted "subsection (2)" for "subdivision (2)" and, in new subsec. (5) added "Upon petition therefor," and substituted "shall" for "may" following "court".

Law Review and Journal Commentaries

The role of the defense attorney in mitigating the nonviolent youthful offender and locating the

appropriate alternative sentence. Gilliam, 19 Miss. C.L.Rev. 361 (1999).

Library References

ALR Library

Pardoned or expunged conviction as "prior offense" under state statute or regulation en-

hancing punishment for subsequent conviction. 97 A.L.R.5th 238

Notes of Decisions

Candidate for office 7

Construction and application 15

Malicious prosecution claims 6

Nonadjudication 5

15. Construction and application

Section 99-15-26 applies only to circuit or county courts and not to justice courts. Op. Atty. Gen. No. 2002-0152, Knight, April 5, 2002.

2. Conditions

Five-year sentence for business burglary could exceed the two-year period of non-adjudication probation; the trial court had withheld acceptance of the guilty plea and only found the defendant guilty after he failed to make court-ordered restitution payments. Porter v. State (Miss. 2001) 777 So.2d 671. Sentencing And Punishment ⇨ 2094

Expungement

Expungement on ground that defendant did not plead guilty to offense in dispute is beyond scope of statute that provides relief when case is dismissed, charges dropped, or no disposition occurred. Hester v. State, 1999, 749 So.2d 1221. Criminal Law ⇨ 1226(3.1)

Circuit court has discretion to expunge record of any person when case was dismissed, charges were dropped, or there was no disposition of such case, even if offense involved a crime against the person. McGrew v. State (Miss. 1999) 783 So.2d 816. Criminal Law ⇨ 1226(3.1)

Where a convicted felon is serving in two capacities as a county employee and is bonded for both offices, there is nothing in the qualifications for either office which would prevent that person from serving in that position, nor is there anything to prevent a county from employing a convicted felon provided that it is not a position which requires the employee to carry a firearm. Further, if the person is truly a convicted felon, expungement of the conviction would have the effect of restoring him to the status occupied before conviction. Therefore, there is nothing in the law which would prevent

Section 99-15-26 is the non-adjudication statute that allows a defendant to plead guilty and the court to withhold adjudication of guilt while imposing conditions that must be met by the defendant over a period of time. If all the conditions are met, the case is dismissed, there is never any conviction, and such a result would not disqualify a candidate from holding public office. Op. Atty. Gen. No. 99-0480, Watts, September 24, 1999.

A justice court judge or a municipal court judge has the authority to nonadjudicate a DUI by a minor under the conditions set forth in Section 63-11-80(3)(g) but can only nonadjudicate such an offense if the defendant enters a guilty plea to the charge and not after a conviction in a trial on the merits of the case. Op. Atty. Gen. No. 99-0184, Genin, April 9, 1999.

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§ 99-15-26

Note 3

the county treasurer or auditor from signing paychecks to a valid employee of the county who is a convicted felon whether or not the conviction has been expunged. Op. Atty. Gen. No. 2001-0772, Crook, December 21, 2001.

Pretrial intervention records may be expunged under Section 99-15-26(4), and Op. Atty. Gen., Spann (January 24, 2000) and Spann (March 17, 2000) are hereby withdrawn to the extent that they differ from this opinion. However, the Mississippi Justice Information Center must still maintain a non-public record of pretrial intervention records as required by Section 99-15-119, and these records cannot be expunged. Op. Atty. Gen. No. 2000-0338, Spann, July 13, 2000.

Section 99-15-26 is known as the "nonadjudication statute". The Mississippi Justice Information Center and the court which has jurisdiction over the defendant are responsible for maintaining the records of nonadjudicated cases. In the event such records are ordered expunged, a nonpublic record should be maintained for the sole purpose of determining whether a defendant has previously been nonadjudicated, and such record should be released only upon the request of a court or prosecutor when a defendant seeks to use Section 99-15-26. Op. Atty. Gen. No. 2000-0106, Spann, March 17, 2000.

4. Attorney discipline

Attorney could be disbarred without tribunal hearing, where attorney pleaded guilty to charge of possession of cocaine and trial court withheld acceptance of plea. Mississippi Bar v. Baldwin (Misa, 1999) 752 So.2d 996. Attorney And Client ¶ 54

5. Nonadjudication

Once a court revokes a defendant's non-adjudicated status, accepts their original plea and imposes a sentence, it cannot return the defendant to a non-adjudicated status. Op. Atty. Gen. No. 2002-0320, Terry, June 7, 2002.

A person may have a drug charge non-adjudicated under Section 41-29-150(d)(1) even if he has

§ 99-15-29. Continuances

United States Supreme Court

Federal habeas review, adequacy of state grounds, due process, denial of continuance, state

requirements for continuance motions, see Lee v. Kemna, 2002, 122 S.Ct. 877.

Notes of Decisions

Injury due to denial of continuance 28

Injustice 26

Intoxication or drug use 14.5

Mistrial 27

Pending charges 25

1. In general

Trial court acted within its discretion in denying motion for continuance; defendant claimed the trial

court effectively deprived him of his right to call witnesses by denying his continuance motion, but he never presented any evidence of his prospective witnesses' testimony. Martin v. State, 2002, 832 So.2d 611. Criminal Law ¶ 694(1)

Defendant was not entitled to continuance on ground that he had not been informed that his trial would start on day that it started; defendant was aware of date of trial for two and a half months; defendant was told day before trial that his case

CRIMINAL PROCEDURE

already had a separate charge non-adjudicated under Section 99-15-26. Op. Atty. Gen. No. 2001-0762, Spann, December 14, 2001.

A justice court has limited authority to nonadjudicate a charge. The sole instance lies in the nonadjudication of a DUI under the Zero for Tolerance for Minors Act found in Section 63-11-30(3)(g). The nonadjudication of a charge does not automatically expunge the record of such charges. However, the court has the discretion to expunge a nonadjudicated charge on its own motion or the defendant may petition the court to expunge the charge. Unless or until the nonadjudicated charges are expunged, they remain on the docket with the disposition of nonadjudicated/dismissed. Op. Atty. Gen. No. 2001-0719, Shirley, November 30, 2001.

6. Malicious prosecution claims

Criminal proceeding did not terminate in accused's favor under Mississippi law, as required to support Fourth Amendment malicious prosecution claim under § 5 1988, where plea was dismissed and expunged pursuant to statute permitting court to withhold acceptance of plea and sentence pending successful completion of conditions as may have been imposed by court. Scribner v. Dillard (N.D.Miss. 2003) 269 F.Supp.2d 716. Civil Rights ¶ 134

7. Candidate for office

Pursuant to the provisions of Section 99-15-26, the acceptance of the plea of guilty by a candidate for a county school board position is being withheld pending the successful completion of the conditions set forth in the Order of Nonadjudication, so that there has been no conviction of that candidate; then, if the county election commission finds, consistent with the facts, that the individual in question is a qualified elector, has no previous felony convictions and meets all residency and other qualifications to hold the office he seeks, he would be eligible to have his name placed on the ballot. Op. Atty. Gen. No. 2002-066-, Lagasse, September 27, 2002.

CRIMINAL PR

might be preempted, and defendant appeal any additional attempt to delineate State, 1999, 744 589(1)

Right to a continuing conclusory argument at time is a matter Golden v. State, 1999, 744 589(2)

2. Pleadings—

Defendant was his sale of crack cocaine who were allegedly crack cocaine to police to file an affidavit his absent witnesses, and defendant motion what additional to accomplish. So.2d 23, rehearing So.2d 974. Criminal

7. Discretion of

The decision whether is a matter left trial court. Cox 1257. Criminal Law

Trial court acted defendant's request burglary of dwelling, shave, and have proceedings, despite defendant flag on bench where flag was small offer to permit him defendant could have the trial, defendant's he feared generally the arrange for family clothes. Strohm v. rehearing denied. (1)

Trial court's denial continuance, due to with statutory protection, did not result in reversal on grounds even though defense was unavailable defendant produced four a served shooting, and witness, who fled statements which had been uncertain given his statement to Investigator State, 2002, 828 So.2d 1155

The granting of a the sound discretion of ment will not be reversed unless there discretion. Cleveland rehearing denied. (1) Law ¶ 1151

2000-06-07 00:04

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P 10/14



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
Christopher B. E. [REDACTED]
Commissioner

Lora H. C. [REDACTED]
Interim Deputy Commissioner

Community Corrections
[REDACTED]

February 17, 2005

Mr. Kwenda H. [REDACTED]
[REDACTED]

Dear Mr. H. [REDACTED]

I have received your discharge papers from the Court and therefore am forwarding same to you. Congratulations on your successful completion of probation. I wish you the best of luck in your future. If there is ever anything I can do for you, please give me a call. Again, good luck and congratulations.

Sincerely,

Annette A. [REDACTED]
Annette A. [REDACTED] Probation Officer
MS Department of Corrections

[REDACTED]

[REDACTED]

[REDACTED]

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REDACTED

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P 11.04
PAGE 02

State of Mississippi

HARRISON COUNTY

, Mississippi

MDOC

DISCHARGE ORDER

Cause #

State of Mississippi

Vs.

KWENDA LAVELL

As requested by the Mississippi Department of Corrections in the form of a written petition
on FEBRUARY 5, 2005 the probation of the aforesaid defendant is hereby
(Date)
terminated.

So ordered and adjudged this 9 day of FEBRUARY, 2005

[Signature]
Circuit Judge

cc: Circuit Clerk (Original)
Field Officer
Deputy Commissioner of Community Services
Offender

FILED
2010 FEB 10 2005
GAYLE P. [REDACTED]
CIRCUIT CLERK
By *[Signature]*

RECEIVED
FEB 10 2005
GAYLE P. [REDACTED]
CIRCUIT CLERK
BY _____ D.C.

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P 12/14

ALTERNATIVES **TO** **INCARCERATION**

Prepared by
Mississippi Department of Corrections

Policy, Planning, Research & Evaluation
July 2002

STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
CHRISTOPHER B. E [REDACTED]
COMMISSIONER

September 1, 2002

Commissioner's Message to the People of Mississippi

The Mississippi Department of Corrections (MDOC) fundamental mission is to provide for public safety. We are charged with the care, custody, control and treatment of close to 40,000 convicted felons, half of whom are serving their sentences out in the Community.

This booklet has been prepared by MDOC to summarize programs that offer alternatives to incarceration or limited incarceration for offenders who meet certain criteria. This booklet outlines this criteria and includes the state statutes affecting these alternative sentencing programs.

The MDOC is committed to providing excellence in both correctional policy and public service. The community corrections programs outlined herein can help provide relief to the state's burgeoning prison costs while maintaining public safety.

Christopher B. E [REDACTED]
Commissioner

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P 13/14

INTRODUCTION

This booklet is written for Judges, District Attorneys, Attorneys, Field Officers and other interested individuals. State statutes offer several programmatic options to punish offenders that do not require incarceration. The following are types of programs available:

- * Intensive Supervision Program
- * **Non-Adjudicated Probation**
- * Pre-Trial Diversion Program
- * Suspended Sentence Probation

* **NON-ADJUDICATED PROBATION PROGRAM**

Non-adjudication is a form of probation used as an alternative to incarceration for eligible first time offenders. If this probation period is successfully completed, the case is expunged and the defendant does not have a felony record.

Program:

- * There are two non-adjudicated probation statutes presently being used by the courts. One refers to persons who have been indicted for non-drug offenses, such as *embezzlement, forgery, uttering forgery*, and burglary, etc.; another refers to certain drug cases. When a person is given a non-adjudicated sentence, the court does not accept the guilty plea offered by the offender. The courts defer accepting the guilty plea and the offender is placed on non-adjudicated probation for a period of time determined by the court.

- * Non-adjudicated probation gives the defendant the opportunity to show the court and the community that the defendant can conform to society's rules and be a productive citizen without incarceration. At the end of the term of probation, if all conditions have been successfully completed and all monies owed to the court and to victims have been paid, the defendant is discharged and the case dismissed. The defendant does not have a felony record.

If a person sentenced under the non-adjudication statute violates the rules and regulations established for this program, the person must go through the revocation process as any other probationer would. However, at a revocation hearing the Judge must sentence the person to incarceration and the probationer becomes a convicted felon.

* **Criteria for Placement on Non-Adjudicated Probation:**

- **A first time offender**

Ineligible for the Program:

- Prior conviction of a felony
- Conviction of crimes against persons
- Certain convicted drug offenders charged under Section 41-39-139
- Felony DUI
- Specific violent offenses

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* Non-Adjudicated Probation

Non-adjudicated probation is a form of probation whereupon successful completion, the case is dismissed and the offender's record may be expunged. There are two nonadjudicated probation statuses presently used by the Courts.

Section 41-29 -150 pertains to drug offenses and Section 99-15-26 pertains to non drug offenses. When an offender is placed on non-adjudicated probation, he enters a guilty plea, but the Court withholds acceptance of the plea and imposition of sentence pending successful completion of conditions imposed by the Court. At the end of the term of probation, if all conditions have been successfully completed and all monies owed to the Court and to victims have been paid, the offender is discharged and the case dismissed.

If an offender sentenced under the non-adjudication statute violates the rules and regulations established for this program, the person must go through the revocation process as any probationer would. The Court may accept the guilty plea and impose sentence.

* Eligibility Requirements

- Offenders must be low risk and non violent

Disqualifiers

- Offenders with prior felony convictions are *not eligible*
- Offenders charged with a crime against a person are *not eligible*
- Offenders charged with an offense under the Implied Consent Law are *not eligible*
- Offenders who have previously qualified for non-adjudication are *not eligible*
- Offenders charged with sale, barter, transfer, manufacture, distribution or dispensing of a controlled substance or the possession of a controlled substance with the intent to sell, barter, transfer, manufacture, distribute or dispense a controlled substance (except when the controlled substance involved is one (1) ounce or less of marijuana) are *not eligible*
- Offenders charged with possession of one (1) kilogram or more of marijuana in violation of Miss Code Ann 41-29-13 (c) (2) (D) are *not eligible*

Applicable Statutes

§ 41-29-139

§ 41-29-150

§ 99-15-26

STC644071

REDACTED

SSN	3	ChangeSS	Created By	ramop	Status	Interview ID Stamp	Interviewed By
Name	Kwenda H		03/15/09 9:35 AM		<input type="radio"/> Open <input type="radio"/> Pending <input checked="" type="radio"/> Approved <input type="radio"/> Declined <input type="radio"/> Closed		
Birthday							

General Questions		Level 1 Review		Offenses:	
Yes	No	N/A		<input checked="" type="checkbox"/> Requested	<input type="checkbox"/> Theft <input type="checkbox"/> Drug <input type="checkbox"/> Sex
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	1. All Identifiers verified?	<input checked="" type="checkbox"/> Completed	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	2. Any other arrest or convictions?	floran	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	3. Any charges pending now?	03/27/09 9:31 AM	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	4. Any other names used?		
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	5. Any weapons involved?		
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	6. Domestic Issue?		
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	7. Misdemeanor?	<input checked="" type="checkbox"/> Requested	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	8. Felony?	<input checked="" type="checkbox"/> Completed	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	9. Ever been terminated?	driss	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	10. Ever used drugs?	03/27/09 9:45 AM	
What:			Dispute Review		
When:			<input type="checkbox"/> Requested		
			<input type="checkbox"/> Completed		
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	11. Ever tested positive or refused a drug or alcohol test?		
What:					
When:					

General Summary	***20/20 HOLD*** Have no convictions
Notes	middle name Lavell Birth certificate and ssn spelled Kwenda non adjudicated and sealed - will provide info. Never used illegal drugs - never tested positive - never refused never been terminated currently working at Downtime Outreach Services [REDACTED]

STC644072

REDACTED

Documents	
1	20/20
2	FAX
3	TRACS
4	
5	
6	

STC644073

REDACTED

EXHIBIT 2



Conviction Form

Please Print Information

Applicant's Name: **Juan L B** Social Security Number: [REDACTED]
 Daytime Phone #: [REDACTED] After Hours Phone #: [REDACTED]
 Date of Birth: [REDACTED]

Date of Arrest: _____ Charge 1: _____ Location: _____ <div style="text-align: center; font-size: small;">County State</div>	Date of Arrest: _____ Charge 2: _____ Location: _____ <div style="text-align: center; font-size: small;">County State</div>
---	---

Date of Conviction: _____ Charge: _____ Sentence: _____ Time Served: _____ Dates on Probation or Parole: _____	Date of Conviction: _____ Charge: _____ Sentence: _____ Time Served: _____ Dates on Probation or Parole: _____
--	--

* Any other arrests or convictions?: ☐ Yes ☐ No

Any charges pending now? ☐ Yes ☐ No

Any other names used maiden, married, etc. _____

Please describe what happened:

Comments on Charge 1:

Comments on Charge 2:

Signature of Applicant: _____ Date: ____/____/____

Recruiter Name: _____ Terminal: _____

STC644107

REDACTED

View Reports - Subject List

Page 1 of 3

Customer: Swift Transportation Web
User: Patricia Ramos

VIEW REPORTS - SUBJECT LIST

We are pleased to announce that USIS Commercial Services, Inc. has changed its name to HireRight Solutions, Inc. While for a period of time you may find reference made in our materials to USIS Commercial Services, we are in the process of updating our web sites, software applications and documents to reflect this name change and expect to complete all updates in the near future. In the meantime, should you have any questions please contact us at: 800-322-9651 and select Option 3 for Customer Service.

Please Note: The information contained in this report is based on search criteria matching certain personal identifiers that indicate that this information matched the consumer who is the subject of the report. However, this information is not guaranteed for accuracy or truthfulness as it relates to the subject of this report. The information contained in this report was accurately copied from HireRight's supplier(s) of such information, including the public records of various courts and law enforcement agencies; credit bureaus; laboratories; etc., as applicable. However, information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of this report. Employment decisions should not be based solely upon information contained in this report. Positive ID requires a fingerprint search. The user of this report is responsible for following applicable local, state and federal laws with respect to the procurement and use of this information.

<https://members.dacservices.com/com-asp/ViewReports/SubjectList.aspx?request=12167...> 1/13/2010

STC644108

REDACTED

Criminal Records, County

Customer: Swift Transportation Web (104508)
 Actor: Mary Johnson (5365Mary)
 Customer Reference: AMBER BOHANON
 Customer Sub: 340

Subject Name: Juan L B [REDACTED]
 Subject DOB: [REDACTED]
 Subject SSN: [REDACTED]
 Subject Race:
 Subject Gender:
 Search Type: B
 Search State: MD
 Search County: BALTIMORE
 Result Comments:

ReportNumber: 1464713
 Request ID: 42586117
 Request Date: 1/12/2010 3:45:49 PM
 Report Date: 1/13/2010 4:06:04 PM
 Reference: AMBER BOHANON

CRIMINAL SEARCH RESULTS

Case Number: [REDACTED]
 File Date: 3/7/2007
 Arrest Date:
 Offense Date:
 Agency Loc:
 Agency Type:
 Case Comments:

Identifying Info

Name: Juan L B [REDACTED]	DOB: [REDACTED]	Matching Criteria
BirthPlace:	SID:	<input checked="" type="checkbox"/> Last Name
SSN on Record:	FID:	<input checked="" type="checkbox"/> First Name
Height:	DL#:	<input checked="" type="checkbox"/> Middle Name
Weight:	DL State:	<input checked="" type="checkbox"/> DOB
Eye Color:	Gender:	<input type="checkbox"/> SSN
Hair Color:	Race:	<input type="checkbox"/> Address
Markings:	Address: [REDACTED]	

Other:

Matched on: First Name, Middle Name, Last Name, and DOB
 Data inconsistent with the requested criteria:

Count: 1	Final Statute:
Original Statute:	Final Charge: Assault
Original Charge:	Final Type: Misdemeanor
Original Type:	Final Class: 2nd
Original Class:	Plea Date:
Plea:	Final Degree:
Degree:	Disposition: Probation before judgment
OrigDisposition:	DispDate: 7/18/2007
OrigDispDate:	

View Reports - Subject List

Page 3 of 3

Comments:
Appeal Comments:

SentenceDate	Type	Active	Suspended	Completed
	OTHER			
Comments: Probation until 7/18/08; \$250 fine; \$57.50 costs/fee.				

Record check for requested search area only. National record status unknown. Positive ID requires fingerprint search. Employment evaluation should not be based on search results. Provider cannot act as the guarantor of the information accuracy or completeness. Appropriate use of the information contained in this report may be governed by both federal and state laws and it is the responsibility of the user to comply with all applicable laws.

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<https://members.dacservices.com/com-asp/ViewReports/SubjectList.aspx?request=12167...> 1/13/2010

STC644110

REDACTED

View Reports - Subject List

Page 1 of 3

Customer: Swift Transportation Web
User: Patricia Ramos

VIEW REPORTS - SUBJECT LIST

We are pleased to announce that USIS Commercial Services, Inc. has changed its name to HireRight Solutions, Inc. While for a period of time you may find reference made in our materials to USIS Commercial Services, we are in the process of updating our web sites, software applications and documents to reflect this name change and expect to complete all updates in the near future. In the meantime, should you have any questions please contact us at: 800-322-9651 and select Option 3 for Customer Service.

Please Note: The information contained in this report is based on search criteria matching certain personal identifiers that indicate that this information matched the consumer who is the subject of the report. However, this information is not guaranteed for accuracy or truthfulness as it relates to the subject of this report. The information contained in this report was accurately copied from HireRight's supplier(s) of such information, including the public records of various courts and law enforcement agencies; credit bureaus; laboratories; etc., as applicable. However, information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of this report. Employment decisions should not be based solely upon information contained in this report. Positive ID requires a fingerprint search. The user of this report is responsible for following applicable local, state and federal laws with respect to the procurement and use of this information.

<https://members.dacservices.com/com.aspx/ViewReports/SubjectList.aspx?request=12167...> 1/13/2010

STC644111

REDACTED

View Reports - Subject List

Page 2 of 3

Criminal Records, County

Customer: Swift Transportation Web (104508)
 Actor: Mary Johnson (5365Mary)
 Customer Reference: AMBER BOHANON
 Customer Sub: 340

Subject Name: Juan L B [REDACTED]	ReportNumber: 1464692
Subject DOB: [REDACTED]	Request ID 42586116
Subject SSN: [REDACTED]	Request Date: 1/12/2010 3:45:49 PM
Subject Race:	Report Date: 1/13/2010 2:59:42 PM
Subject Gender:	Reference: AMBER BOHANON
Search Type: B	
Search State: NY	
Search County: OCA	
Result Comments:	

CRIMINAL SEARCH RESULTS

Case Number: [REDACTED]
 File Date: 8/19/1997
 Arrest Date:
 Offense Date:
 Agency Loc: KINGS COUNTY
 Agency Type:
 Case Comments:

Identifying Info		Matching Criteria
Name: JUAN B [REDACTED]	DOB: [REDACTED]	<input checked="" type="checkbox"/> Last Name
BirthPlace:	SID:	<input checked="" type="checkbox"/> First Name
SSN on Record:	FID:	<input type="checkbox"/> Middle Name
Height:	DL#:	<input checked="" type="checkbox"/> DOB
Weight:	DL State:	<input type="checkbox"/> SSN
Eye Color:	Gender:	<input type="checkbox"/> Address
Hair Color:	Race:	
Markings:	Address:	

Other:

Matched on: First Name, Last Name, and DOB
 Data inconsistent with the requested criteria:

Count: 1	Final Statute: PL 120.00
Original Statute:	Final Charge: 3RD DEGREE - ASSAULT
Original Charge:	Final Type: Misdemeanor
Original Type:	Final Class:
Original Class:	Plea Date: 1/6/1998
Plea: Guilty	Final Degree:
Degree:	Disposition: GUILTY
OrigDisposition:	DispDate: 10/11/2001
OrigDispDate:	

<https://members.dacservices.com/com-asp/ViewReports/SubjectList.aspx?request=12167...> 1/13/2010

STC644112

REDACTED

View Reports - Subject List

Page 3 of 3

Comments:
Appeal Comments:

SentenceDate	Type	Active	Suspended	Completed
	FINAL ORDER OF PROTECTION	1 Years:		
	PROBATION	3 Years:		

Information contained in this report was provided by the NY Office of Court Administration (OCA). The OCA maintains a consolidated index of felony and misdemeanor charges submitted by all 62 counties in the state of New York.

Record check for requested search area only. National record status unknown. Positive ID requires fingerprint search. Employment evaluation should not be based on search results. Provider cannot act as the guarantor of the information accuracy or completeness. Appropriate use of the information contained in this report may be governed by both federal and state laws and it is the responsibility of the user to comply with all applicable laws.

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<https://members.dacservices.com/com-asp/ViewReports/SubjectList.aspx?request=12167...> 1/13/2010

STC644113

REDACTED

SWIFT TRANSPORTATION CO., INC.

2200 S. 75th AVE, PHOENIX, AZ, 85043

EMPLOYMENT APPLICATION

QUALIFIED APPLICANTS ARE CONSIDERED WITHOUT REGARD TO RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, MARITAL STATUS, VETERAN STATUS OR DISABILITY.
EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

Date of Application: 01/13/2010Name B Juan LSocial Security No. [REDACTED]Present Address [REDACTED]Phone [REDACTED]Previous Address(es) during last 3 years (FMCSR 391.21 (3)) [REDACTED]Date of Birth (required by FMCSR 391.21 (2) to verify motor vehicle report) [REDACTED]In case of emergency notify [REDACTED]Alternate Emergency Phone # [REDACTED]Name [REDACTED]Have you applied for work and/or worked for this company before? ☐ Yes ☒ No When? [REDACTED]If hired, can you present evidence of your U.S. Citizenship or proof of your legal right to live and work in this country? ☐ Yes ☐ NoPosition which applying for: [REDACTED]Are you able to perform the essential functions and duties of the job as contained in the job description with reasonable accommodation? ☐ Yes ☐ NoHow did you find out about Swift? ☐ Newspapers ☐ Brochures & Postcards ☐ Publications ☒ Internet ☐ Swift Transportation Employee☐ Other [REDACTED]**PLEASE READ CAREFULLY**A. Have you ever been denied a license, permit or privilege to operate a motor vehicle? ☐ Yes ☒ NoB. Has any license, permit or privilege been suspended or revoked? ☒ Yes ☐ NoC. Have you ever been stopped while intoxicated? ☐ Yes ☒ NoD. Have you ever used any illegal drugs (including marijuana)? ☐ Yes ☒ No If yes, when was the last time? [REDACTED]E. Have you ever been convicted for possession of, sale, or use of a narcotic drug, amphetamine, or a derivative thereof? ☐ Yes ☒ NoF. Have you ever been convicted of a criminal offense? In California, "crime" shall exclude convictions for marijuana-related offenses that are more than two years old, as defined in California Health and Safety Code sections 11357 (b) and (c) and 11360 (c), or in California Health and Safety Code sections 11364, 11365, or 11550 of the Health and Safety Code as they related to marijuana prior to January 1, 1976, or their statutory predecessors. ☐ Yes ☒ NoG. Do you currently have any criminal actions pending in which you are a defendant? (A "yes" answer will not necessarily disqualify you from employment.) ☐ Yes ☒ NoH. Are you currently on probation or parole status? (A "yes" answer will not necessarily disqualify you from employment.) ☐ Yes ☒ NoI. 40.25j) have you tested positive, or refused a test, on any pre-employment drug or alcohol test administered by an employer to which you applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules in the last three years? ☐ Yes ☒ NoIf yes to any of the above questions, state circumstances and dates: New York license from child support in 03**EDUCATION**Highest grade completed: [REDACTED]High School Graduate: ☐ Yes ☒ NoCollege Graduate: ☐ Yes ☐ NoGraduate School Graduate: ☐ Yes ☐ NoList other specialty training or schools [REDACTED]**MILITARY STATUS**Have you served in the U.S. Armed Forces? ☐ Yes ☒ No Branch [REDACTED]Dates: From [REDACTED]To [REDACTED]

R-101

Form 1

Revised 8/01/01

STC644114

REDACTED

EMPLOYMENT RECORD FOR PAST 10 YEARS

All applicants must list all full and part-time employment including military service, self employment, and periods of unemployment during preceding 10 years.
 NOTE: List employers in reverse order starting with the most recent. Use an additional sheet if necessary.

From Mo Day Yr Mo Day Yr
 9/08 To present
 Phone # 646-623-8897
 Supervisor _____
 Type of Equip. Driven _____

CURRENT OR MOST RECENT EMPLOYERMay We Call? Yes ☐ No ☐

Name Unemployed
 Address 4589 Laurel Rd Pine Lake, GA 30072
street city state zip code
 Position Held Unemployed

Reason For Leaving Economy is really bad not working

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No
 B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

From Mo Day Yr Mo Day Yr
 11/07 To 9/08
 Phone # 410)365-1956
 Supervisor _____
 Type of Equip. Driven _____

SECOND PRIOR EMPLOYERMay We Call? Yes ☐ No ☐

Name Carrol Fuel
 Address 2500 Loch Raven Blvd Baltimore, MD 30072
street city state zip code
 Position Held Temp Driver/Helper

Reason For Leaving Laid Off

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No
 B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

From Mo Day Yr Mo Day Yr
 6/2007 To 11/2007
 Phone # 410)335-2267
 Supervisor _____
 Type of Equip. Driven _____

THIRD PRIOR EMPLOYERMay We Call? Yes ☐ No ☐

Name BENJER, INC
 Address 130 Earl Rd Baltimore, MD 30072
street city state zip code
 Position Held Roll off Truck Driver

Reason For Leaving Not enough hours laid off.

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No
 B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

From Mo Day Yr Mo Day Yr
 6/2006 To 6/2007
 Phone # (443)324-1451
 Supervisor _____
 Type of Equip. Driven _____

FOURTH PRIOR EMPLOYERMay We Call? Yes ☐ No ☐

Name Reliable Roll Off
 Address 1001 68th st Baltimore, MD 30072
street city state zip code
 Position Held Roll off Truck Driver

Reason For Leaving Change of mgrment unsafe enviroment

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No
 B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

From Mo Day Yr Mo Day Yr
 4/2004 To 6/2006
 Phone # _____
 Supervisor _____
 Type of Equip. Driven _____

FIFTH PRIOR EMPLOYERMay We Call? Yes ☐ No ☐

Name Dynamex

Phone # (202)320-7434
 Supervisor _____
 Type of Equip. Driven _____

From Mo Day Yr To Mo Day Yr
 Phone # _____
 Supervisor _____
 Type of Equip. Driven _____

Address 9108 Yellow Brick Rd Baltimore, MD 30072
street city state zip code

Position Held Route driver

Reason For Leaving Needed a job closer to home at the time new born baby..

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No

B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

SIXTH PRIOR EMPLOYER May We Call? Yes ☐ No ☐

Name _____

Address _____
street city state zip code

Position Held _____

Reason For Leaving _____

A. 391.21 (10) (iv) (b) Were you subject to the Federal Motor Carrier Safety Regulations (FMCSR's) while employed by this previous employer? ☐ Yes ☐ No

B. Was your job with this employer designated as safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing as specified in FMCSR 391.21(B)? ☐ Yes ☐ No

USE SEPARATE SHEET FOR ADDITIONAL EMPLOYMENT HISTORY

DRIVING EXPERIENCE				
CLASS OF EQUIPMENT	TYPE OF EQUIPMENT VAN-TANK-FLAT-ETC.	DATES FROM TO		APPROX. NO. OF MILES TOTAL
STRAIGHT TRUCK				0
TRACTOR AND SEMI-TRAILER				0
TRACTOR AND TWO TRAILERS				0
OTHER				0

LICENSE LIST ALL DRIVERS LICENSES HELD IN PAST FIVE YEARS (NOTE: A COPY of your valid drivers license or CDL must be attached for your application to be considered.)

STATE	LICENSE NUMBER	TYPE	ENDORSEMENTS	EXPIRATION DATE
GA		CDL		09/29/2013
GA		B-P		
MD		B-P		

MOVING TRAFFIC CONVICTIONS LIST FOR PAST FIVE (5) YEARS. IF NONE WRITE NONE.

DATE	LOCATION (STATE)	CHARGE	PENALTY
NONE			

ACCIDENT RECORD IF NONE WRITE NONE.
LIST ALL INVOLVEMENT WITH TRUCK AND CAR INCLUDING PROPERTY DAMAGE FOR PAST FIVE YEARS, INCLUDING PREVENTABLE AND NON-PREVENTABLE.

DATE	TYPE VEHICLE	NATURE OF ACCIDENT (HEAD ON, REAR END, UPSET, ETC.)	INDICATE PREVENTABLE OR NON-PREVENTABLE	FATALITIES	INJURIES	AMOUNT OF PROPERTY DAMAGE
NONE						

STATES IN WHICH YOU HAVE OPERATED A CLASS-A MOTOR VEHICLE IN THE PAST FIVE YEARS

LIST ALL STATES:

REFERENCES (Please list 2 people able to verify your employment and personal history. Such as co-worker, neighbor, customer or an upstanding citizen of your community. Do not list relatives.)

1. Name _____	Relationship _____
Address _____	Phone # _____
2. Name _____	Relationship _____
Address _____	Phone # _____

ACKNOWLEDGEMENT

I give Swift Transportation, Inc. (the Company) the right to investigate all references and to secure additional information about me, if job-related. I release from liability the Company and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. A copy of this page serves as my authorization to seek/provide this information. I agree to sign all documents and consent forms which the Company deems necessary to verify the facts provided in this application. I give my consent and release from liability the Company and its representatives, to respond to any inquiries made about me as part of a reference check by any subsequent or potential employer.

From time to time the company may find it necessary to conduct investigations. If it does, employees are expected to truthfully participate and cooperate in such investigations, including submission to searches of property. Failure to do so may subject employees to disciplinary action, which may include termination of employment.

I realize as a condition of employment I will be required to undergo a post offer/pre-employment medical examination and substance abuse screening test at the expense of and as proscribed by the Company, and that any offer of employment is conditioned upon the successful completion of these tests. I agree to furnish such additional information and undergo any other examinations or tests to complete the employment file, or to continue my employment with the Company, if employed. These tests may include, but are not necessarily limited to random, for cause, reasonable suspicion or post accident alcohol and substance abuse screening tests. Further, I release the Company, its agents or employees from any and all claims or actions arising out of such alcohol and substance abuse tests including, but not limited to, the testing procedures, the analysis or the disclosure of test results.

I understand that any offer of employment is contingent upon my ability to produce documentation verifying my identity and legal authorization to be employed, as required by the Immigration Reform & Control Act of 1986 (IRCA).

This application is active for sixty (60) days from the date it is completed, or until the specific position opening for which it was submitted is closed, whichever is earlier. Subsequent to the preceding consideration period, I must submit a new application to be considered for this, or any other position.

I understand and agree that any misrepresented, inaccurate, misleading, incomplete or omitted information provided by me in this application will be sufficient cause for cancellation of this application and/or separation from the Company's service if employed. Further, I understand that just as I am free to resign at any time, for any reason, with or without prior notice, the Company reserves the right to terminate

R-101

Form I

Revised 8/01/01

STC644117

REDACTED

my employment at any time, for any reason, with or without prior notice. I understand that no representative of the Company has the authority to make any verbal or written assurances to the contrary. I recognize the employment relationship to be an at-will relationship and not for a specific period of time. This application represents the complete and final expression of the intent of the parties and may not be modified except by a writing duly executed by the undersigned and the President of the Company.

I hereby agree to submit to binding arbitration all disputes and claims arising out of the submission of this or formal application. I further agree, in the event that I am offered employment by the company, as a condition to that employment, all disputes that cannot be resolved by internal internal resolution which might arise out of my employment with the company, whether during or after that employment, will be submitted to binding arbitration in lieu of any Federal or State investigative, administrative or legal proceeding. I agree that such arbitration shall be conducted under the rules of the American Arbitration Association. This application contains the entire agreement between the parties with regard to dispute resolution, and there are not other agreements as to dispute resolution, either oral or written.

I have read carefully the above information, understand and accept the contents thereof. This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

Signature _____

Date _____

R-101

Form 1

Revised 8/01/01

STC644118

REDACTED

Attention

investigation's



STC644119

REDACTED

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

CERTIFICATE OF DISPOSITION
NUMBER: [REDACTED]

THE PEOPLE OF THE STATE OF NEW YORK
VS

E [REDACTED] JUAN
Defendant

[REDACTED]
Date of Birth

[REDACTED]
Address

[REDACTED]
NYSID Number

[REDACTED]
City State Zip

08/16/1999
Date of Arrest/Issue

Docket Number: [REDACTED]

Summons No:

240.30 240.30 240.26 215.50
Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
01/05/2000	ADJOURNED - CPL SECTION 170.55	R [REDACTED], H	AP12
07/03/2000	DISMISSED - CPL SECTION 170.55	S [REDACTED], W	AP12

SEALED

NO FEE CERTIFICATION

pursuant to Section 160.50 of the CPL

GOVERNMENT AGENCY COUNSEL ASSIGNED

NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED

SOURCE ACCUSATORY INSTRUMENT DOCKET BOOK/CRIMS CRC3030 [CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

C [REDACTED] A [REDACTED]
COURT OFFICIAL SIGNATURE AND SEAL

08/12/2009
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

STC644120

REDACTED

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER: [REDACTED]

B [REDACTED] JUAN
Defendant

[REDACTED]
Date of Birth

[REDACTED]
Address

[REDACTED]
NYSID Number

[REDACTED]
City State Zip

04/15/1999
Date of Arrest/Issue

Docket Number: [REDACTED]

Summons No:

120.00 240.26
Arraignment Charges

Case Disposition Information:

Date Court Action
08/02/1999 DISM - SPEEDY TRIAL PROVISIONS

Judge
K [REDACTED], S

Part
AP12

SEALED

pursuant to Section 160.50 of the CPL

NO FEE CERTIFICATION

GOVERNMENT AGENCY COUNSEL ASSIGNED

NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED

SOURCE ACCUSATORY INSTRUMENT DOCKET BOOK/CRIMS CRC3030 [CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

C [REDACTED] A [REDACTED]
COURT OFFICIAL SIGNATURE AND SEAL

08/12/2009
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

STC644121

REDACTED

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER: [REDACTED]

[REDACTED], JUAN
Defendant

[REDACTED]
Date of Birth

[REDACTED]
Address

[REDACTED]
NYSID Number

[REDACTED] City State Zip

11/20/1997
Date of Arrest/Issue

Docket Number: [REDACTED]

Summons No:

215.50
Arraignment Charges

Case Disposition Information:

Date	Court Action
02/24/1998	ADJOURNED - CPL SECTION 170.55
08/21/1998	DISMISSED - CPL SECTION 170.55

Judge
M [REDACTED], E
L [REDACTED] T [REDACTED] M

Part
AP15
AP15

SEALED

NO FEE CERTIFICATION

pursuant to Section 160.50 of the CPL

☐ GOVERNMENT AGENCY ☐ COUNSEL ASSIGNED

☐ NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED
SOURCE ☐ ACCUSATORY INSTRUMENT ☐ DOCKET BOOK/CRIMS ☐ CRC3030 [CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT:

C [REDACTED] A [REDACTED]
COURT OFFICIAL SIGNATURE AND SEAL

08/12/2009
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

STC644122

REDACTED

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER: [REDACTED]

[REDACTED] JUAN
Defendant

[REDACTED]
Date of Birth

[REDACTED]
Address

[REDACTED]
NYSID Number

[REDACTED]
City State Zip

01/30/1995
Date of Arrest/Issue

Docket Number: [REDACTED]

Summons No:

165.15

Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
03/02/1995	ADJOURNED - CPL SECTION 170.55	[REDACTED], K	DAT
09/01/1995	DISMISSED - CPL SECTION 170.55	[REDACTED], K	AP2A

SEALED

NO FEE CERTIFICATION

pursuant to Section 160.50 of the CPL

☐ GOVERNMENT AGENCY ☐ COUNSEL ASSIGNED
☐ NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED
SOURCE ☐ ACCUSATORY INSTRUMENT ☐ DOCKET BOOK/CRIMS ☐ CRC3030 [CR8963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

[REDACTED] A
COURT OFFICIAL SIGNATURE AND SEAL

08/12/2009
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

STC644123

REDACTED

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

CERTIFICATE OF DISPOSITION
NUMBER: [REDACTED]

THE PEOPLE OF THE STATE OF NEW YORK
VS

B [REDACTED] JUAN
Defendant

[REDACTED]
Date of Birth

[REDACTED]
Address

[REDACTED]
NYSID Number

[REDACTED]
City State Zip

03/27/2000
Date of Arrest/Issue

Docket Number: [REDACTED]

Summons No:

120.00 120.00 120.15 240.26 145.00
Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
06/22/2000	PLED GUILTY & SENTENCE IMPOSED PG 240.26 CONDITIONAL DISCHARGE=1Y. ORDER OF PROTECTION=1Y	M [REDACTED] E	AP15

SEALED
AFTER CONVICTION
Pursuant to Section 160.55 of the CPL

NO FEE CERTIFICATION

GOVERNMENT AGENCY COUNSEL ASSIGNED

NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED

SOURCE ACCUSATORY INSTRUMENT DOCKET BOOK/CRIMS CRC3030 [CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

C [REDACTED] A [Signature]
COURT OFFICIAL SIGNATURE AND SEAL

08/12/2009
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

STC644124

REDACTED

SSN	ChangeSS	Created By	Status	Interviewed By
Name	Juan E	ramop 01/13/10 2:11 PM	<input type="radio"/> Open <input type="radio"/> Pending <input checked="" type="radio"/> Approved <input type="radio"/> Declined <input type="radio"/> Closed	adamn 01/14/10 1:27 PM
Birthday				Interview ID Stamp
General Questions			Close and Reopen	
Yes	No	N/A		
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	1. All Identifiers verified?	
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	2. Any other arrest or convictions?	
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	3. Any charges pending now?	
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	4. Any other names used?	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	5. Any weapons involved?	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	6. Domestic issue?	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	7. Misdemeanor?	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	8. Felony?	
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	9. Ever been terminated?	
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	10. Ever used drugs?	
What:				
When:				
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	11. Ever tested positive or refused a drug or alcohol test?	
What:				
When:				
Level 1 Review <input checked="" type="checkbox"/> Requested <input checked="" type="checkbox"/> Completed florin 01/23/10 7:29 AM				
Level 2 Review <input checked="" type="checkbox"/> Requested <input checked="" type="checkbox"/> Completed driss 04/18/10 1:09 PM				
Dispute Review <input type="checkbox"/> Requested <input type="checkbox"/> Completed				
Offenses: <input type="checkbox"/> Theft <input type="checkbox"/> Drug <input type="checkbox"/> Sex				
General Summary	**PENDING PAPERWORK FROM APPLICANT- applicant resides in GA ? Trac MAKE ADDITIONAL CHECKS ORDERED FILE PENDING PAPER			
Notes	MIDDLE NAME: LUIS HAS MISC THAT WAS DISMISSED OVER TEN YEARS AGO NO CONVICTIONS ON ADULT RECORD... 2007.. REQUIREMENTS COMPLETED AND CASE WAS DISMISSED. UNEMPLOYED NOW 98.. HAS PAPERWORK SHOWING CASE DISMISSED			

STC644125

REDACTED

Documents	
1	20/20 hold
2	fax
3	Additional checks
4	
5	
6	

[The remainder of the form is redacted]

[REDACTED]

[REDACTED]

STC644126